

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

ADMINISTRATIVE PROOF OF CLAIM

Name of Debtor
Delphi Automotive Systems LLC

Case Number
05-44640

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):
John E. Benz & Co.

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Name and address where notices should be sent:

☐ Check box if you have never received any notices from the bankruptcy court in this case.

John E. Benz & Co.
c/o DLA Piper Rudnick Gray Cary US LLP
1251 Avenue of the Americas
New York, New York 10020-5283
Attn.: Jeremy R. Johnson, Esq.
Telephone number: 212-335-4500

☐ Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here if this claim ☐ replaces ☐ amends a previously filed claim, dated: _____

1. Basis for Claim

- | | |
|---|---|
| <input type="checkbox"/> Goods sold | <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) |
| <input type="checkbox"/> Services performed | <input type="checkbox"/> Wages, salaries, and compensation (fill out below) |
| <input type="checkbox"/> Money loaned | Last four digits of SS#: _____ |
| <input type="checkbox"/> Personal injury/wrongful death | Unpaid compensation for services performed |
| <input type="checkbox"/> Taxes | from _____ to _____ |
| <input checked="" type="checkbox"/> Other Amounts due under a lease | (date) (date) |

2. Date debt was incurred: 10/08/05

3. If court judgment, date obtained:

4. Total Amount of Claim	\$	Unknown
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If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.

- ☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
☐ Other

Value of Collateral: \$_____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Nonpriority Claim \$_____

- ☐ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

7. Unsecured Priority Claim.

- ☐
- Check this box if you have an unsecured priority claim.

Amount entitled to priority \$_____

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$4,925),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan – 11 U.S.C. § 507(a)(4).
- ☐ Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child – 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units – 11 U.S.C. § 507(a)(8).
- ☐ Other – Specify applicable paragraph of 11 U.S.C. § 507(a)(___).

*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

8. **Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

9. Supporting Documents: *Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. See Addendum, annexed hereto.*

10. **Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date _____

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):
Jeremy R. Johnson, Esq., as counsel

07/31/06

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

~NEWY1:8024166.v1

Addendum to Administrative Proof of Claim
Delphi Automotive Systems LLC, Case No. 05-44640 (RDD)

1. This administrative proof of claim (the “Administrative Claim”) of John E. Benz & Co. (“JEB”) relates to the Delphi Automotive Systems LLC’s (the “Debtor”) obligations under a lease dated as of September 28, 1998, between the Debtor, as successor in interest to General Motors Corporation, and JEB (including the First Amendment to Lease, dated April 31, 2005 between the Debtor and JEB and any subsequent amendments and modifications, the “Lease”). The Lease relates to the premises located at 3535 Kettering Boulevard, Moraine, OH (the “Premises”).
2. Pursuant to the Lease, the Debtor is responsible for, among other things, providing (or reimbursing JEB for providing) insurance for the Premises, paying taxes related to the Premises, satisfying any mechanics’ or other liens filed or asserted against the Premises, and paying rent to JEB as provided under the Lease. As of the filing of this Administrative Claim, the Debtor has failed to provide insurance, pay applicable taxes, and satisfy liens against the Premises. The aggregate amount owed as of October 8, 2005 is unknown at this time. Attached hereto is partial documentation related to the defaults under the Lease.
3. JEB hereby reserves the right to assert that all or part of these obligations may be entitled to administrative priority under section 503 of Title 11 of the United States Code.
4. JEB hereby reserves the right to assert further, additional and amended claims.
5. By executing and filing this Administrative Claim, JEB is not (a) waiving or releasing JEB’s rights against any other entity or person, including the Debtor; or (b) electing a remedy which waives or otherwise affects any other remedy of JEB. JEB expressly reserves the right to amend or supplement this Administrative Claim in any respect and to file additional proofs of claim for additional claims.

FROM : LAW OFFICES OF GENE S. DEVORE

PHONE NO. : 15616872340

Jul. 26 2006 11:21AM P2



AMERICAN AGENCY, INC. INSURANCE

P.O. BOX 21997 • COLUMBUS, OHIO 43221 • TEL. 614-442-1400 • FAX 614-442-1419

-----INVOICE-----

John E. Benz Trustee
3017 Exchange Court S#A
West Palm Beach, FL 33409

Invoice Date 03/07/06
Invoice No. 103868
Bill-To Code BENJO1
Client Code BENJO1
Inv Order No. 1*65369

Named Insured: John E. Benz Trustee

Amount Remitted: \$

Please return this portion with your payment.

Make checks payable to: American Agency, Inc.

Effective Date	Policy Period	Coverage Description	Transaction Amount
03/22/06	09/22/05 to 09/22/06	CNA Insurance Companies Policy No. TCP2086941676 Installment - Commercial Package 2 of 2	6,871.50
		Invoice Number: 103868 Amount Due:	6,871.50

3/11/06 pd call 12694

*Premiums Due and Payable on Effective Date

FROM : LAW OFFICES OF GENE S. DEVORE

PHONE NO. : 15616872340

Jul. 26 2006 11:21AM P3



AMERICAN AGENCY, INC. INSURANCE
P.O. BOX 21997 • COLUMBUS, OHIO 43221 • TEL. 614-442-1400 • FAX 614-442-1419

November 18, 2005

John E. Benz
3017 Exchange Court Suite A
West Palm Beach, FL 33409

Re: Property Policy
3535 Kettering Blvd
Dayton, OH

Dear John,

Per our conversations, enclosed please find the renewal policy for the Property and Lessor's Risk General Liability for 3535 Kettering Blvd. Our invoice for the first 6 months premium in the amount of \$6,871.50 is also enclosed.

Should you have any questions or concerns, please do not hesitate to contact our office.

I appreciate your patience and response in this matter.

Best Regards,

Dianne L. Faulk
American Agency, Inc.

FROM : LAW OFFICES OF GENE S. DEVORE PHONE NO. : 15616872340

Jul. 26 2006 11:22AM P4

Make check payable to: American Agency, Inc.

Effective Date	Policy Period	Coverage Description	Transaction Amount
09/22/05	09/22/05 to 09/22/06	CNA Insurance Companies Policy No. TCP2086941676 *Renewal - Commercial Package 1 of 2 Invoice Number: 102907 <i>Ketting</i>	6,871.50 Amount Due: 6,871.50
*Premiums Due and Payable on Effective Date			

*11/26/05
Chk # 12690
Office Recd*

DF Page: 1

ORIGINAL INVOICE

EDWARD A. WHEATON, CLU, CHFC
Chairman of the Board

JOHN E. BURTON
President

DOUGLAS C. TIMPE
Vice President

FROM : LAW OFFICES OF GENE S. DEVORE PHONE NO. : 15616872340 Jul. 26 2006 11:23AM P6



**COMMON POLICY DECLARATIONS
TAILORED COMMERCIAL PACKAGE POLICY**

POLICY NUMBER C 2086941676

NAMED INSURED JOHN E. BENZ TRUSTEE
MAILING ADDRESS C/O AMERICAN AGENCY
PO BOX 21997
COLUMBUS, OH 43221

PRODUCER NAME MARKETSOURCE AGCY NETWORK LLC
MAILING ADDRESS 600 CROSS POINTE ROAD
GAHANNA, OH 43230

POLICY PERIOD FROM 09/22/2005 TO 09/22/2006 AT 12:01 A.M.
STANDARD TIME AT YOUR MAILING ADDRESS SHOWN
ABOVE.

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY,
WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED.
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

<u>COVERAGE PART</u>	<u>PREMIUM *</u>
COMMERCIAL PROPERTY COVERAGE	\$8,022.00
COMMERCIAL GENERAL LIABILITY COVERAGE	\$5,721.00
COMMERCIAL CRIME COVERAGE	
COMMERCIAL INLAND MARINE COVERAGE	
COMMERCIAL BOILER & MACHINERY COVERAGE	
COMMERCIAL LIQUOR LIABILITY COVERAGE	
TOTAL POLICY PREMIUM	\$13,743.00

*INCLUDES APPLICABLE STATES TAXES AND SURCHARGES (IF ANY)

(REFER TO INDIVIDUAL DECLARATIONS FOR FURTHER INFORMATION)

INSURED

002/002

MONTGOMERY COUNTY
REAL ESTATE TAX BILL
HUGH QUILL TREASURER
SECOND HALF 2005

J44 28213 0001
 DELPHI AUTOMOTIVE SYSTEMS LLC
 P.O. BOX 5082
 TROY, MI 48007-5082

PARCEL IDENTITY
 J44 28213 0001
TAXING DISTRICT
 MORaine CITY-KETTERI
PARCEL LOCATION
 3535 KETTERING BLVD
OWNER NAME
 BENZ BARBARA TR
LEGAL DESCRIPTION
 4496 BENZ W C 1 PLAT

GROSS TAX RATE	89.79	ACRES	17.856
REDUCTION FACTOR	29146	CLASS	INDUSTRIAL
EFFECTIVE TAX RATE	43.62022		
CURRENT REAL ESTATE	79,629.36	TAX DISTRIBUTION	
REDUCTION FACTOR	-23208.41		
10% ROLLBACK	.00	COUNTY	15,906.90
2 1/2% ROLLBACK	.00	TOWNSHIP	2,217.10
HOMESTEAD REDUCTION	.00	CORPORATION	39,235.85
CURRENT NET TAXES	56,420.95	SCHOOL	
CURRENT ASSESSMENT	324.30	JVS	1,061.10
SEMIANNUAL PROPERTY CHARGE		LIBRARY	
CURRENT NET TAXES AND ASSESSMENTS	56,745.25	100% APPRAISED VALUE If you need a stamped receipt, return entire bill with a self addressed stamped envelope. No receipt will be returned unless requested. YOUR CANCELLED CHECK IS A VALID RECEIPT	
DELINQUENT REAL ESTATE	.00		
INTEREST REAL ESTATE	.00		
DELINQUENT ASSESSMENT	.00		
INTEREST ASSESSMENT	.00		
PAYMENTS/CREDITS	-13,214.65		
TOTAL AMOUNT DUE	91,455.42		

SECOND HALF 2005
 RETURN THIS PORTION WITH PAYMENT
MONTGOMERY COUNTY
REAL ESTATE TAX BILL
HUGH QUILL TREASURER
PAY ON OR BEFORE JULY 17, 2006
 451 WEST THIRD STREET
 DAYTON, OHIO 45422-0475
 (937) 225-4010

OWNER NAME: BENZ BARBARA TR
PARCEL LOCATION: 3535 KETTERING BLVD
 J44 28213 0001
 DELPHI AUTOMOTIVE SYSTEMS LLC
 P.O. BOX 5082
 TROY, MI 48007-5082

PARCEL IDENTITY: J44 28213 0001
MAKE CHECKS PAYABLE TO:
 HUGH QUILL TREASURER

PAYMENT AMOUNT	4
HALF YEAR PAYMENT	
91,455.42	

0091455424 0091455424 00010440282130000014 171

DUNLEVEY, MAHAN & FURRY

ROBERT T. DUNLEVEY, JR.
CHARLES W. MAHAN
STEPHEN A. WATRING
GARY W. AUMAN
WILLIAM H. BARNEY, III
RICHARD L. CARR, JR.

A LEGAL PROFESSIONAL ASSOCIATION
110 NORTH MAIN STREET, SUITE 1000
DAYTON, OHIO 45402-1738
TEL: (937) 223-8003 FAX: (937) 223-8550
WWW.DMFDAYTON.COM

DONALD B. RINEER*
AMY C. MITCHELL
LAURIE DENDWICK-GORDON
OF COUNSEL
RICHARD L. FURRY**

* ALSO ADMITTED IN INDIANA
** ALSO ADMITTED IN ILLINOIS

December 28, 2005

VIA FEDERAL EXPRESS

Barbara Benz, Trustee
273 Sandpiper Drive
Palm Beach, FL 33480

Barbara Benz, Trustee
c/o Delphi Automotive Systems LLC
5725 Delphi Dr.
Troy, MI 48098

Re: *Lien of Orbit Movers & Erectors, Inc. (3535 Kettering Blvd, Dayton, OH)*
In Re: Delphi Corporation, et al., United States Bankruptcy Court, Southern District
of New York, Case No. 05-44481

Dear Madam:

You are notified that on the 12th day of December, 2005, Orbit Movers & Erectors, Inc., an Ohio corporation, filed an Affidavit for Mechanics' Lien in the office of the Montgomery County Recorder in File No. 05-127024 against Delphi's Moraine, Ohio location at 3535 Kettering Blvd.

A Copy of the Affidavit is enclosed and served on you with this notice. The enclosed Affidavit for Mechanics' Lien is being served upon Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC pursuant to Ohio Revised Code Section 1311.07, and as contemplated by Delphi's Lien Claimants Motion. Because under Ohio law a mechanics' lien relates back to the date labor was first provided or materials were first furnished, this action does not violate the automatic stay provision of the United States Bankruptcy Code, pursuant to 11 U.S.C. Section 546(b). See e.g., *In Re: BJ Packing, Inc.*, 158 B.R. 988 (N.D. Ohio 1993); *In Re: US Electric, Inc.*, 123 B.R. 262 (S.D. Ohio 1990). Accordingly, the filing of the Affidavit for Mechanic's Lien and the giving of this notice were done in an effort to perfect Orbit Movers & Erectors, Inc.'s mechanics' lien and such are not an attempt to collect from the debtor.

Additionally, Orbit Movers & Erectors, Inc. requests to be treated as a lien claimant under the Lien Claimants Order entered in the Delphi bankruptcy case.

Orbit Movers & Erectors, Inc.,

By: 
Donald B. Rineer, its Attorney

DBR/sjs

Enclosures:

Cc:

Affidavit for Mechanic's Lien (3535 Kettering Blvd)
Orbit Movers & Erectors, Inc.
Attn: David E. Grayson, Chief Financial Officer (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: John Butler, Jr., Esq., John Lyons, Esq., Ron Meisler (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: Kayalyn Marafioti, Esq., Thomas Matz, Esq. (via regular mail)
Deirdre A. Martini, United States Trustee (via regular mail)

EXHIBIT "A"

Situate in the City of Moraine, Montgomery County, Ohio, being Lot numbered 4496 of the consecutive numbers of lots of the City of Moraine and being part of the tract of land conveyed to Property Capitol Trust "TK" by deed recorded in Microfiche 71-357E02 of the Deed Records of Montgomery County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 4496 of the consecutive numbers of lots of the City of Moraine and being part of the Benz-W.C.I. Plat recorded in Book 127, Page 21 of the Montgomery County Plat Records, said point also being on the west right-of-way line of Kettering Boulevard (Old U.S. Route 25);

thence from said place of beginning, southwardly with the east line of said Lot 4496 and the said west right-of-way line of Kettering Boulevard on a curve to the right having a radius of 8377.80 feet, an arc distance of 805.77 feet to an iron pin (said curve having a chord bearing of S 39° 34' 51" W and a chord distance of 804.96 feet); thence with new division lines on the following courses: N 46° 00' 00" W a distance of 449.48 feet to an iron pin; thence southwestwardly on a curve to the left having a radius of 60.00 feet an arc distance of 94.25 feet to a point (said curve having a chord bearing of S 89° 00' 00" W and a chord distance of 84.85 feet); thence S 44° 00' 00" W a distance of 188.50 feet to a point; thence southeastwardly on a curve to the left having a radius of 35.00 feet an arc distance of 54.98 feet to a point on the northerly line of Hoyle Place, a private street, (said curve having a chord bearing of S 1° 00' 00" E and a chord distance of 49.50 feet); thence with the line of said Hoyle Place on the following courses:

N 46° 00' 00" W a distance of 209.61 feet to an iron pin; thence westwardly on a curve to the left having a radius of 602.96 feet an arc distance of 101.82 feet to an iron pin (said curve having a chord bearing of N 50° 50' 15" W and a chord distance of 101.70 feet); thence N 55° 40' 30" W a distance of 20.39 feet to an iron pin at the southwest corner of said Lot 4496; thence N 26° 24' 30" E with the west line of said Lot 4496 a distance of 874.06 feet to an iron pin in the southerly right-of-way line of Encrete Lane; thence with said right-of-way line on the following courses:

S 63° 35' 30" E a distance of 652.51 feet to a point; thence S 26° 24' 29" W a distance of 3.93 feet to a point; thence eastwardly on a curve to the right having a radius of 5701.58 feet an arc distance of 77.08 feet to a point (said curve having a chord bearing of S 62° 08' 52" E and a chord distance of 77.08 feet); thence S 53° 27' 34" E a distance of 87.62 feet to a point; thence eastwardly on a curve to the right having a radius of 5689.58 feet, an arc distance of 95.08 feet to a point (said curve having a chord bearing of S 60° 24' 59" E and a chord distance of 95.08 feet); thence S 59° 56' 13" E a distance of 97.69 feet to a point; thence S 32° 45' 43" E a distance of 37.67 feet to the place of beginning containing 17.856 acres, more or less, subject, however, to all legal highways and easements of record.

FROM : LAW OFFICES OF GENE S. DEVORE

PHONE NO. : 15616872340

Nov. 21 2005 09:47AM P2

DUNLEVEY, MAHAN & FURRY

ROBERT T. DUNLEVEY, JR.
CHARLES W. MAHAN
STEPHEN A. WATRING
GARY W. AUMAN
GARY T. BRINSFIELD
WILLIAM H. BARNEY, III
RICHARD L. GARR, JR.

A LEGAL PROFESSIONAL ASSOCIATION
110 NORTH MAIN STREET, SUITE 1000
DAYTON, OHIO 45402-1738
TEL: (937) 223-6003 FAX: (937) 223-6550
www.dmfdayton.com

DONALD B. RINEER**
AMY C. MITCHELL
LAURIE DENDWICK-GORDON
OF COUNSEL
RICHARD L. FURRY*
*ALSO ADMITTED IN ILLINOIS
**ALSO ADMITTED IN INDIANA

November 15, 2005

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Barbara Benz, Trustee
273 Sandpiper Drive
Palm Beach, FL 33480

Barbara Benz, Trustee
c/o Delphi Automotive Systems LLC
5725 Delphi Dr.
Troy, MI 48098

Setco, Inc.
903 Industrial Dr.
Murfreesboro, TN 37129

Re: *Lien of Zimpher Kyser, Inc. (3535 Kettering Blvd, Dayton, OH)*
In Re: *Delphi Corporation, et al., United States Bankruptcy Court, Southern District
of New York, Case No. 05-44481*

Dear Sir/Madam:

You are notified that on the 15th day of November, 2005, Zimpher Kyser, Inc., an Ohio corporation, filed an Affidavit for Mechanics' Lien in the office of the Montgomery County Recorder in File No. 05-117087 against Delphi's Moraine, Ohio location at 3535 Kettering Blvd.

A Copy of the Affidavit is enclosed and served on you with this notice. The enclosed Affidavit for Mechanics' Lien is being served upon Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC pursuant to Ohio Revised Code Section 1311.07, and as contemplated by Delphi's Lien Claimants Motion. The filing of the Affidavit for Mechanic's Lien and the giving of this notice were done in an effort to perfect Zimpher Kyser, Inc.'s mechanics' lien and such are not an attempt to collect from the debtor.

Additionally, Zimpher Kyser, Inc. requests to be treated as a lien claimant under the Lien Claimants Order entered in the Delphi bankruptcy case.

Zimpher Kyser, Inc.,

By: 
Donald B. Rineer, its Attorney

FROM : LAW OFFICES OF GENE S. DEVORE

PHONE NO. : 15616872340

Nov. 21 2005 09:47AM P3

\$36.00 11/15/05 15:23:21
M/L -05-117087 0003
Montgomery County
Judy Dodge Recorder

COPY

AFFIDAVIT FOR MECHANICS' LIEN

STATE OF OHIO)

) SS:

COUNTY OF MONTGOMERY)

Scott Zimpher, President of Zimpher Kyser, Inc. whose address is 308 Looney Road, Piqua, Ohio 45356, being first duly sworn, says that Zimpher Kyser, Inc., the lien claimant, furnished certain material or performed certain labor or work in furtherance of improvements located on or removed to the land hereinafter described, in pursuance of the following:

1. Purchase Order No. 65149 from Setech, Inc., individually or as agent for Delphi Corporation, Delphi Automotive systems LLC, or an affiliate or subsidiary thereof (collectively, "Delphi"), the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 6th day of September, 2005, and there is justly and truly due Zimpher Kyser, Inc., the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$2,213.84;

2. Purchase Order No. 65067 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 2nd day of September, 2005, and there is justly and truly due Zimpher Kyser, Inc., the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$418.95;

3. Purchase Order No. DYM14102 from Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 5725 Delphi Drive, Troy, MI 48098. The first and last of the labor or work was performed or material was furnished on the 13th day of September, 2005, and there is justly and truly due Zimpher Kyser, Inc., the lien claimant, therefor from Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$1,996.00;

for which amounts (being a total of \$4,628.79) Zimpher Kyser, Inc. claims a lien on the building and land of Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC, 5725 Delphi Drive, Troy, MI 48098, which is or was the owner, part owner, or lessee, as the

FROM : LAW OFFICES OF GENE S. DEVORE

PHONE NO. : 15616872340

Nov. 21 2005 09:48AM P4

case may be, which property is described on Exhibit A attached hereto and made a part hereof. The foregoing constitute a contract or contracts, express or implied, pursuant to Ohio Rev. Code Section 1311.02.

Zimpher Kyser, Inc.

By:

Scott R. Zimpher, President

Sworn to before me and subscribed in my presence this 15th day of November, 2005.

Donald B. Rineer
Notary Public

DONALD BRIAN RINEER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

This Instrument Prepared By:
Donald B. Rineer, Esq.
Dunlevey, Mahan & Furry
A Legal Professional Association
110 North Main Street, Suite 1000
Dayton, OH 45402-1738
(937) 223-6003

DUNLEVEY, MAHAN & FURRY

ROBERT T. DUNLEVEY, JR.
CHARLES W. MAHAN
STEPHEN A. WATRING
GARY W. AUMAN
GARY T. BRINFIELD
WILLIAM H. BARNEY, III
RICHARD L. CARR, JR.

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DAYTON, OHIO 45402-1738
TEL: (937) 223-6003 FAX: (937) 223-8550
www.dmfdayton.com

November 8, 2005

DONALD B. RINEER**
AMY C. MITCHELL
LAURIE DENDWICK-GORDON
OF COUNSEL
RICHARD L. FURRY*
*ALSO ADMITTED IN ILLINOIS
**ALSO ADMITTED IN INDIANA

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Barbara Benz, Trustee
273 Sandpiper Drive
Palm Beach, FL 33480

Barbara Benz, Trustee
c/o Delphi Automotive Systems LLC
5725 Delphi Dr.
Troy, MI 48098

Re: Lien of Freeco, Inc. (3535 Kettering Blvd, Dayton, OH)
In Re: Delphi Corporation, et al., United States Bankruptcy Court, Southern District of New York, Case No. 05-44481

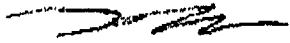
Dear Sir/Madam:

You are notified that on the 7th day of November, 2005, Freeco, Inc., an Ohio corporation, filed an Affidavit for Mechanics' Lien in the office of the Montgomery County Recorder in File No. 05-114568 against Delphi's Moraine, Ohio location at 3535 Kettering Blvd.

A Copy of the Affidavit is enclosed and served on you with this notice. The enclosed Affidavit for Mechanics' Lien is being served upon Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC pursuant to Ohio Revised Code Section 1311.07, and as contemplated by Delphi's Lien Claimants Motion. The filing of the Affidavit for Mechanic's Lien and the giving of this notice were done in an effort to perfect Freeco, Inc.'s mechanics' lien and such are not an attempt to collect from the debtor.

Additionally, Freeco, Inc. requests to be treated as a lien claimant under the Lien Claimants Order entered in the Delphi bankruptcy case.

Very truly yours,


Richard L. Carr, Jr.

RLC/sjs

Enclosures: Affidavit for Mechanic's Lien (3535 Kettering Blvd)

Cc: Freeco, Inc.
Attn: John Mehall, General Manager (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: John Butler, Jr., Esq., John Lyons, Esq., Ron Meisler (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: Kayalyn Marafioti, Esq., Thomas Metz, Esq. (via regular mail)
Deirdre A. Martini, United States Trustee (via regular mail)

\$20.00 11/07/05 15:43:33
M/L -05-114568 0002
Montgomery County
Judy Bodge Recorder

AFFIDAVIT FOR MECHANICS' LIEN

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

John Mahall, General Manager of Frebco, Inc. ("Frebco") whose address is 3400 Kettering Blvd., Dayton, Ohio 45439, being first duly sworn, says that Frebco, the lien claimant, furnished certain material or performed certain labor or work in furtherance of improvements located on or removed to the land hereinafter described, in pursuance of a certain contract (reference Purchase Order No. DCS09425) with Delphi Corporation, or an affiliate or subsidiary thereof ("Delphi"), the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 5725 Delphi Drive, Troy, MI 48098. The first of the labor or work was performed or material was furnished on the 18th day of July, 2005. The last of such labor or work was performed or materials were furnished on the 31st day of August, 2005, and there is justly and truly due, Frebco, the lien claimant, therefor from Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$2,220.00, for which amount Frebco claims a lien on the building and land of Delphi Automotive Services LLC, 5725 Delphi Drive, Troy, Michigan 48098, which is or was the owner, part owner, or lessee, as the case may be, which property is described on Exhibit A attached hereto and made a party hereof.

Barbara Benz, as Trustee, c/o

Frebco, Inc.

By: John D. Mahall
John Mahall, General Manager

Sworn to before me and subscribed in my presence this 7th day of November, 2005.

[Signature]
Notary Public

This Instrument Prepared By:
Richard L. Carr, Jr., Esq.
Dunleavy, Mahan & Furry
A Legal Professional Association
110 North Main Street, Suite 1000
Dayton, OH 45402-1738
(937) 223-6003

RICHARD L. CARR JR., Attorney at Law
Notary Public, State of Ohio
My Commission has no Expiration Date.
Section 147.03 O.R.C.

EXHIBIT "A"

Situate in the City of Moline, Montgomery County, Ohio, being Lot numbered 4496 of the consecutive numbers of lots of the City of Moline and being part of the tract of land conveyed to of Moline and being part of the tract of land conveyed to Property Capitol Trust "TK" by deed recorded in Microfiche 71-157E02 of the Deed Records of Montgomery County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 4496 of the consecutive numbers of lots of the City of Moline and being part of the East-W.C.I. Plat recorded in Book 127, Page 21 of the Montgomery County Plat Records, said point also being on the west right-of-way line of Kettering Boulevard (Old U.S. Route 25):

thence from said place of beginning, southwardly with the east line of said Lot 4496 and the said west right-of-way line of Kettering Boulevard on a curve to the right having a radius of 8377.80 feet, an arc distance of 808.27 feet, to an iron pin (said curve having a chord bearing of S 38° 34' 51" W and a chord distance of 804.98 feet); thence with new division lines on the following courses: N 48° 00' 00" W a distance of 449.49 feet to an iron pin; thence southwestwardly on a curve to the left having a radius of 60.00 feet an arc distance of 94.25 feet to a point (said curve having a chord bearing of S 89° 00' 00" W and a chord distance of 84.83 feet); thence S 44° 00' 00" W a distance of 158.50 feet to a point; thence southeastwardly on a curve to the left having a radius of 35.00 feet an arc distance of 54.98 feet to a point on the northerly line of Hoyle Place, a private street. (said curve having a chord bearing of S 1° 00' 00" E and a chord distance of 49.50 feet); thence with the line of said Hoyle Place on the following courses:

N 40° 00' 00" W a distance of 209.51 feet to an iron pin; thence westwardly on a curve to the left having a radius of 602.56 feet an arc distance of 101.32 feet to an iron pin (said curve having a chord bearing of N 50° 50' 16" W and a chord distance of 101.78 feet); thence N 55° 40' 30" W a distance of 20.19 feet to an iron pin at the southwest corner of said Lot 4496; thence N 26° 24' 30" E with the west line of said Lot 4496 a distance of 274.05 feet to an iron pin in the southerly right-of-way line of Concrete Lane; thence with said right-of-way line on the following courses:

S 63° 35' 30" E a distance of 652.51 feet to a point; thence S 26° 24' 20" W a distance of 3.93 feet to a point; thence eastwardly on a curve to the right having a radius of 5701.58 feet an arc distance of 77.08 feet to a point (said curve having a chord bearing of S 62° 05' 52" E and a chord distance of 77.08 feet); thence S 53° 27' 14" E a distance of 87.63 feet to a point; thence westwardly on a curve to the right having a radius of 3689.88 feet, an arc distance of 95.08 feet to a point (said curve having a chord bearing of S 60° 24' 29" E and a chord distance of 95.08 feet); thence S 58° 56' 13" E a distance of 87.68 feet to a point; thence S 32° 45' 43" E a distance of 37.67 feet to the place of beginning containing 17.856 acres, more or less, subject, however, to all legal highways and easements of record.

DUNLEVEY, MAHAN & FURRY

ROBERT T. DUNLEVEY, JR.
CHARLES W. MAHAN
STEPHEN A. WATRING
GARY W. AUMAN
GARY T. BRINSFIELD
WILLIAM H. BARNEY, III
RICHARD L. CARR, JR.

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110 NORTH MAIN STREET, SUITE 1000
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DONALD B. RINEER**
AMY C. MITCHELL
LAURIE DENDWICK-GORDON
OF COUNSEL
RICHARD L. FURRY*
*ALSO ADMITTED IN ILLINOIS
**ALSO ADMITTED IN INDIANA

November 16, 2005

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Barbara Benz, Trustee
273 Sandpiper Drive
Palm Beach, FL 33480

Barbara Benz, Trustee
c/o Delphi Automotive Systems LLC
5725 Delphi Dr.
Troy, MI 48098

Setech, Inc.
903 Industrial Dr.
Murfreesboro, TN 37129

Re: Lien of Gem Air Controls Company, Inc. (3535 Kettering Blvd, Dayton, OH)
In Re: Delphi Corporation, et al., United States Bankruptcy Court, Southern District
of New York, Case No. 05-44481

Dear Sir/Madam:

You are notified that on the 8th day of November, 2005, Gem Air Controls Company, Inc., an Ohio corporation, filed an Affidavit for Mechanics' Lien in the office of the Montgomery County Recorder in File No. 05-115011 against Delphi's Moraine, Ohio location at 3535 Kettering Blvd.

A Copy of the Affidavit is enclosed and served on you with this notice. The enclosed Affidavit for Mechanics' Lien is being served upon Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC pursuant to Ohio Revised Code Section 1311.07, and as contemplated by Delphi's Lien Claimants Motion. The filing of the Affidavit for Mechanic's Lien and the giving of this notice were done in an effort to perfect Gem Air Controls Company, Inc.'s mechanics' lien and such are not an attempt to collect from the debtor.

Additionally, Gem Air Controls Company, Inc. requests to be treated as a lien claimant under the Lien Claimants Order entered in the Delphi bankruptcy case.

Gem Air Controls Company, Inc.,

By: 
Donald B. Rineer, its Attorney

DUNLEVEY, MAHAN & FURRY

Barbara Benz, Trustee
Setech, Inc.
November 16, 2005
Page 2

DBR/sjs

Enclosures: Affidavit for Mechanic's Lien (3535 Kettering Blvd)

Cc: Gem Air Controls Company, Inc.
Attn: Ted Black, President (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: John Butler, Jr., Esq., John Lyons, Esq., Ron Meisler (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: Kayalyn Marafioti, Esq., Thomas Matz, Esq. (via regular mail)
Deirdre A. Martini, United States Trustee (via regular mail)

1. Purchase Order No. 64823 from Setech, Inc., individually or as agent for Delphi Corporation, Delphi Automotive Systems LLC, or an affiliate or subsidiary thereof (collectively, "Delphi"), the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 25th day of August, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$238.78;
2. Purchase Order No. 64991 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 29th day of August, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$148.92;
3. Purchase Order No. 65317 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 9th day of September, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$115.64;
4. Purchase Order No. 65427 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 16th day of September, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$167.04;
5. Purchase Order No. 65584 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as

the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 30th day of September, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$92.65;

6. Purchase Order No. 65765 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 26th day of September, 2005, and there is justly and truly due, Gem Air Controls Company, Inc., the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$228.23;

7. Purchase Order No. 65906 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 30th day of September, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$53.87;

8. Purchase Order No. 66017 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 4th day of October, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$122.87;

9. Purchase Order No. 66066 from Setech, Inc., individually or as agent for Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 903 Industrial Drive, Murfreesboro, TN 37129. The first and last of the labor or work was performed or material was furnished on the 6th day of October, 2005, and there is justly and truly due, Gem, the lien claimant, therefor from Setech, Inc., the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$136.83;

for which amounts (being a total of \$1,304.83) Gem claims a lien on the building and land of Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC, 5725 Delphi Drive, Troy, MI 48098, which is or was the owner, part owner, or lessee, as the case may be, which property is described on **Exhibit A** attached hereto and made a part hereof. The foregoing constitute a contract or contracts, express or implied, pursuant to Ohio Rev. Code Section 1311.02.

Gem Air Controls Company, Inc.

By: Ted Black
Ted Black, President

Sworn to before me and subscribed in my presence this 4th day of November, 2005.

[Signature]
Notary Public

This Instrument Prepared By:
Donald B. Rineer, Esq.
Dunlevey, Mahan & Furry
A Legal Professional Association
110 North Main Street, Suite 1000
Dayton, OH 45402-1738
(937) 223-6003

EXHIBIT "A"

Situate in the City of Moraine, Montgomery County, Ohio, being Lot numbered 4496 of the consecutive numbers of lots of the City of Moraine and being part of the tract of land conveyed to Property Capitol Trust "Tk" by deed recorded in Microfiche 71-357802 of the Deed Records of Montgomery County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 4496 of the consecutive numbers of lots of the City of Moraine and being part of the Benz-W.C.I. Plat recorded in Book 127, Page 21 of the Montgomery County Plat Records, said point also being on the west right-of-way line of Kettering Boulevard (Old U.S. Route 25);

thence from said place of beginning, southwardly with the east line of said Lot 4496 and the said west right-of-way line of Kettering Boulevard on a curve to the right having a radius of 8377.80 feet, an arc distance of 805.27 feet to an iron pin (said curve having a chord bearing of S 39° 34' 51" W and a chord distance of 804.96 feet); thence with new division lines on the following courses: N 46° 00' 00" W a distance of 449.48 feet to an iron pin; thence southwestwardly on a curve to the left having a radius of 60.00 feet an arc distance of 94.25 feet to a point (said curve having a chord bearing of S 39° 00' 00" W and a chord distance of 84.85 feet); thence S 44° 00' 00" W a distance of 188.50 feet to a point; thence southeastwardly on a curve to the left having a radius of 35.00 feet an arc distance of 54.98 feet to a point on the northerly line of Hoyle Place, a private street, (said curve having a chord bearing of S 1° 00' 00" E and a chord distance of 49.50 feet); thence with the line of said Hoyle Place on the following courses:

N 46° 00' 00" W a distance of 209.61 feet to an iron pin; thence westwardly on a curve to the left having a radius of 602.96 feet an arc distance of 101.82 feet to an iron pin (said curve having a chord bearing of N 50° 50' 15" W and a chord distance of 161.70 feet); thence N 55° 40' 30" W a distance of 20.39 feet to an iron pin at the southwest corner of said Lot 4496; thence N 26° 24' 30" E with the west line of said Lot 4496 a distance of 874.06 feet to an iron pin in the southerly right-of-way line of Concrete Lane; thence with said right-of-way line on the following courses:

S 63° 35' 30" E a distance of 652.51 feet to a point; thence S 26° 24' 29" W a distance of 3.93 feet to a point; thence eastwardly on a curve to the right having a radius of 5701.58 feet an arc distance of 77.08 feet to a point (said curve having a chord bearing of S 62° 08' 52" E and a chord distance of 77.08 feet); thence S 53° 27' 34" E a distance of 87.62 feet to a point; thence eastwardly on a curve to the right having a radius of 5689.58 feet, an arc distance of 95.08 feet to a point (said curve having a chord bearing of S 60° 24' 59" E and a chord distance of 95.08 feet); thence S 59° 56' 13" E a distance of 37.33 feet to a point; thence S 32° 46' 42" E a distance of 37.67 feet to the place of beginning containing 17.856 acres, more or less, subject, however, to all legal highways and easements of record.

DUNLEVEY, MAHAN & FURRY

ROBERT T. DUNLEVEY, JR.
CHARLES W. MAHAN
STEPHEN A. WATRING
GARY W. AUMAN
GARY T. BRINSFIELD
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RICHARD L. CARR, JR.

A LEGAL PROFESSIONAL ASSOCIATION
110 NORTH MAIN STREET, SUITE 1000
DAYTON, OHIO 45402-1738
TEL: (937) 223-6003 FAX: (937) 223-8550
www.dmfdayton.com

November 8, 2005

DONALD B. RINEER**
AMY C. MITCHELL
LAURIE DENDWICK-GORDON

OF COUNSEL
RICHARD L. FURRY*

*ALSO ADMITTED IN ILLINOIS
**ALSO ADMITTED IN INDIANA

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Barbara Benz, Trustee
273 Sandpiper Drive
Palm Beach, FL 33480

Barbara Benz, Trustee
c/o Delphi Automotive Systems LLC
5725 Delphi Dr.
Troy, MI 48098

Re: Lien of Frebco, Inc. (3535 Kettering Blvd, Dayton, OH)
In Re: Delphi Corporation, et al., United States Bankruptcy Court, Southern District
of New York, Case No. 05-44481

Dear Sir/Madam:

You are notified that on the 7th day of November, 2005, Frebco, Inc., an Ohio corporation, filed an Affidavit for Mechanics' Lien in the office of the Montgomery County Recorder in File No. 05-114568 against Delphi's Moraine, Ohio location at 3535 Kettering Blvd.

A Copy of the Affidavit is enclosed and served on you with this notice. The enclosed Affidavit for Mechanics' Lien is being served upon Barbara Benz, Trustee, c/o Delphi Automotive Systems LLC pursuant to Ohio Revised Code Section 1311.07, and as contemplated by Delphi's Lien Claimants Motion. The filing of the Affidavit for Mechanic's Lien and the giving of this notice were done in an effort to perfect Frebco, Inc.'s mechanics' lien and such are not an attempt to collect from the debtor.

Additionally, Frebco, Inc. requests to be treated as a lien claimant under the Lien Claimants Order entered in the Delphi bankruptcy case.

Very truly yours,


Richard L. Carr, Jr.

RLC/sjs

Enclosures: Affidavit for Mechanic's Lien (3535 Kettering Blvd)

Cc: Frebco, Inc.
Attn: John Mehall, General Manager (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: John Butler, Jr., Esq., John Lyons, Esq., Ron Meisler (via regular mail)
Skadden, Arps, Slate, Meagher & Flom LLP
Attn: Kayalyn Marafioti, Esq., Thomas Matz, Esq. (via regular mail)
Deirdre A. Martini, United States Trustee (via regular mail)

\$28.00 11/07/05 15:43:33
M/L -05-114568 0002
Montgomery County
Judy Dodge Recorder

AFFIDAVIT FOR MECHANICS' LIEN

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

John Mehall, General Manager of Frebco, Inc. ("Frebco") whose address is 3400 Kettering Blvd., Dayton, Ohio 45439, being first duly sworn, says that Frebco, the lien claimant, furnished certain material or performed certain labor or work in furtherance of improvements located on or removed to the land hereinafter described, in pursuance of a certain contract (reference Purchase Order No. DCS09425) with Delphi Corporation, or an affiliate or subsidiary thereof ("Delphi"), the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 5725 Delphi Drive, Troy, MI 48098. The first of the labor or work was performed or material was furnished on the 18th day of July, 2005. The last of such labor or work was performed or materials were furnished on the 31st day of August, 2005, and there is justly and truly due, Frebco, the lien claimant, therefor from Delphi, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal set-offs, the sum of \$2,220.00, for which amount Frebco claims a lien on the building and land of Delphi Automotive Services LLC, 5725 Delphi Drive, Troy, Michigan 48098, which is or was the owner, part owner, or lessee, as the case may be, which property is described on Exhibit A attached hereto and made a party hereof.
Barbara Benz, as Trustee, c/o

Frebco, Inc.

By: John D. Mehall
John Mehall, General Manager

Sworn to before me and subscribed in my presence this 7th day of November, 2005.

[Signature]
Notary Public

This Instrument Prepared By:
Richard L. Carr, Jr., Esq.
Dunlevey, Mahan & Furry
A Legal Professional Association
110 North Main Street, Suite 1000
Dayton, OH 45402-1738
(937) 223-6003

RICHARD L. CARR JR., Attorney at Law
Notary Public, State of Ohio
My Commission has no Expiration Date.
Section 545.03 O.R.C.

EXHIBIT "A"

Situate in the City of Moraine, Montgomery County, Ohio, being Lot numbered 4496 of the consecutive numbers of lots of the City of Moraine and being part of the tract of land conveyed to Property Capitol Trust "TK" by deed recorded in Microfiche 71-357802 of the Deed Records of Montgomery County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 4496 of the consecutive numbers of lots of the City of Moraine and being part of the Bear-W.C.I. Plat recorded in Book 127, Page 21 of the Montgomery County Plat Records, said point also being on the west right-of-way line of Kettering Boulevard (Old U.S. Route 25);

thence from said place of beginning, southwardly with the east line of said Lot 4496 and the said west right-of-way line of Kettering Boulevard on a curve to the right having a radius of 8377.80 feet, an arc distance of 805.27 feet to an iron pin (said curve having a chord bearing of S 39° 34' 51" W and a chord distance of 804.96 feet); thence with new division lines on the following courses: N 46° 00' 00" W a distance of 449.48 feet to an iron pin; thence southwestwardly on a curve to the left having a radius of 60.00 feet an arc distance of 94.25 feet to a point (said curve having a chord bearing of S 39° 00' 00" W and a chord distance of 84.85 feet); thence S 44° 00' 00" W a distance of 188.50 feet to a point; thence southeastwardly on a curve to the left having a radius of 35.00 feet an arc distance of 54.98 feet to a point on the northerly line of Hoyle Place, a private street, (said curve having a chord bearing of S 1° 00' 00" E and a chord distance of 49.50 feet); thence with the line of said Hoyle Place on the following courses:

N 46° 00' 00" W a distance of 209.61 feet to an iron pin; thence westwardly on a curve to the left having a radius of 602.96 feet an arc distance of 101.82 feet to an iron pin (said curve having a chord bearing of N 50° 50' 15" W and a chord distance of 101.70 feet); thence N 55° 40' 30" W a distance of 20.39 feet to an iron pin at the southwest corner of said Lot 4496; thence N 26° 24' 30" E with the west line of said Lot 4496 a distance of 874.06 feet to an iron pin in the southerly right-of-way line of Encrete Lane; thence with said right-of-way line on the following courses:

S 63° 35' 30" E a distance of 652.51 feet to a point; thence S 26° 24' 29" W a distance of 3.93 feet to a point; thence eastwardly on a curve to the right having a radius of 5701.58 feet an arc distance of 77.08 feet to a point (said curve having a chord bearing of S 62° 08' 52" E and a chord distance of 77.08 feet); thence S 53° 27' 34" E a distance of 87.62 feet to a point; thence eastwardly on a curve to the right having a radius of 5689.58 feet, an arc distance of 95.08 feet to a point (said curve having a chord bearing of S 60° 24' 59" E and a chord distance of 95.08 feet); thence S 39° 56' 13" E a distance of 97.69 feet to a point; thence S 32° 45' 43" E a distance of 37.67 feet to the place of beginning containing 17.856 acres, more or less, subject, however, to all legal highways and easements of record.

EXHIBIT "A"

Situate in the City of Moraine, Montgomery County, Ohio, being Lot numbered 4496 of the consecutive numbers of lots of the City of Moraine and being part of the tract of land conveyed to Property Capitol Trust "TK" by deed recorded in Microfiche 71-357892 of the Deed Records of Montgomery County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 4496 of the consecutive numbers of lots of the City of Moraine and being part of the Beat-W.C.I. Plat recorded in Book 127, Page 21 of the Montgomery County Plat Records, said point also being on the west right-of-way line of Kettering Boulevard (Old U.S. Route 25):

thence from said place of beginning, southwardly with the east line of said Lot 4496 and the said west right-of-way line of Kettering Boulevard on a curve to the right having a radius of 8377.80 feet, an arc distance of 805.27 feet to an iron pin (said curve having a chord bearing of S 39° 34' 51" W and a chord distance of 804.96 feet); thence with new division lines on the following courses: N 46° 00' 00" W a distance of 449.48 feet to an iron pin; thence southwestwardly on a curve to the left having a radius of 60.00 feet an arc distance of 94.25 feet to a point (said curve having a chord bearing of S 39° 00' 00" W and a chord distance of 84.85 feet); thence S 44° 00' 00" W a distance of 188.50 feet to a point; thence southeastwardly on a curve to the left having a radius of 35.00 feet an arc distance of 54.98 feet to a point on the northerly line of Hoyle Place, a private street, (said curve having a chord bearing of S 1° 00' 00" E and a chord distance of 49.50 feet); thence with the line of said Hoyle Place on the following courses:

N 46° 00' 00" W a distance of 209.61 feet to an iron pin; thence westwardly on a curve to the left having a radius of 602.96 feet an arc distance of 101.82 feet to an iron pin (said curve having a chord bearing of N 50° 50' 15" W and a chord distance of 101.70 feet); thence N 55° 40' 30" W a distance of 20.39 feet to an iron pin at the southwest corner of said Lot 4496; thence N 26° 24' 30" E with the west line of said Lot 4496 a distance of 874.06 feet to an iron pin in the southerly right-of-way line of Enclave Lane; thence with said right-of-way line on the following courses:

S 63° 35' 30" E a distance of 652.51 feet to a point; thence S 26° 24' 29" W a distance of 3.93 feet to a point; thence eastwardly on a curve to the right having a radius of 5701.58 feet an arc distance of 77.08 feet to a point (said curve having a chord bearing of S 62° 08' 52" E and a chord distance of 77.08 feet); thence S 53° 27' 34" E a distance of 87.62 feet to a point; thence eastwardly on a curve to the right having a radius of 5689.58 feet, an arc distance of 95.08 feet to a point (said curve having a chord bearing of S 60° 24' 59" E and a chord distance of 95.08 feet); thence S 59° 56' 13" E a distance of 97.69 feet to a point; thence S 32° 45' 43" E a distance of 37.67 feet to the place of beginning containing 17.856 acres, more or less, subject, however, to all legal highways and easements of record.